

20
20

ANNUAL REPORT
13TH CIRCUIT COURT



Welcome to the 2020 report of the 13th Circuit Court for Antrim, Grand Traverse and Leelanau Counties. Like all of our society, this last year has been dominated by efforts to mitigate and manage the Covid-19 crisis. I am happy to report that due to the creativity and efforts of our court staff, and the attorneys and parties that use our court, the 13th Circuit is in fine shape heading into 2021.

When it became clear that our society was going to enter a temporary slowdown as we came to grips with the virus, 13th Circuit Court staff, attorneys, and judges began to strategize about ways to continue the flow of justice during the pandemic. Our efforts led to state and national leadership in the conduct of trials and general court in the era of social distancing and masks.

I am proud to report that the 13th Circuit Court, through Judge Power, conducted the first jury trial in the State of Michigan [and likely one of the first in the United States] following the imposition of coronavirus limitations. While we were ultimately able to conduct several trials during 2020, each was the result of careful planning and coordination with our county partners, the local health departments, and locations throughout the circuit where we could appropriately space out potential jurors. Importantly, jurors reported they felt safe throughout the trial process.

Managing a public trust like the Circuit Court through a pandemic is not something that any person going into government work ever expects. We are proud of our team's response to the crisis. "A tip of the hat" to our Administrator, Teri Quinn, and Deputy Administrator, Trina Girardin is in order. Our court is also grateful for the partnerships we formed with TCAPS, the Old Town Playhouse, the Park Place Hotel and Conference Center, Shanty Creek Schuss Mountain, and the Grand Traverse Band of Ottawa and Chippewa Indians in locating venues for juror selection.

Our court has come through the virus stronger than before. Some of the lessons we've learned – including the use of digital technology to conduct court hearings – are probably going to be a part of our daily work for years to come. With that said, we all are looking forward to a more pedestrian report in 2021!

~ Hon. Kevin A. Elsenheimer

COVID-19

Coronavirus disease 2019 (COVID-19) dominated 2020. This is a look back at how the pandemic evolved and its effects on the 13th Circuit Court.

January 21: CDC confirms first US Coronavirus case

February 3: US declares public health emergency

March 13: US President declares COVID-19 a national emergency. Circuit Court staff start working remotely per SCAO Administrative Order 2020-01.

April: All 13th Circuit Court hearings and trials postponed until further notice.

May: 13th Circuit Court develops new online process integrating software to continue court hearings via Zoom.

June 23: 13th Circuit Court conducts first jury trial in Michigan after the start of the COVID-19 pandemic.

July-October: 13th Circuit Court continues Zoom court hearings and weekly jury trials in person under SCAO guidelines.

October-December: Jury trials paused as COVID-19 cases surge. Court hearings continue via Zoom.

December: 13th Circuit Court dockets remain up-to-date with very little trial backlog.

CASE MANAGEMENT

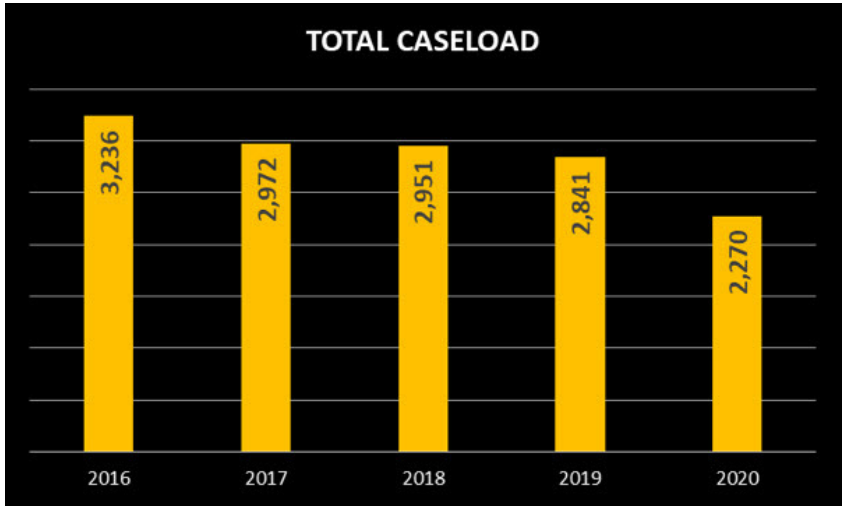
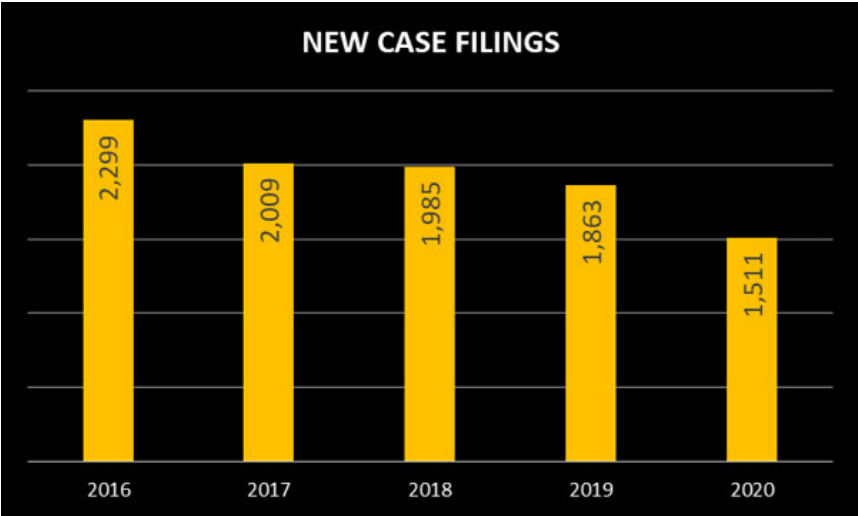
The Thirteenth Judicial Circuit Court serves Antrim, Grand Traverse, and Leelanau Counties. The Circuit Court handles all civil cases with claims in excess of \$25,000, all felony criminal cases, requests for injunctive relief and domestic relations matters. Additionally, the Judges hear cases appealed from other trial courts or from administrative agencies. The Circuit Court Judges preside over matters in Antrim and Leelanau Counties. Judge Elsenheimer served as the Thirteenth Circuit Court's Chief Judge in 2020. The Family Divisions of the Thirteenth Circuit Court handle all juvenile criminal cases, child abuse and neglect cases, guardianships of juveniles and adoption proceedings. The Probate Judge for each County is also the presiding Judge of the Family Division in the county where he or she was elected. Judge Elsenheimer served as the Chief Probate Judge for Antrim, Grand Traverse, and Leelanau counties in 2020. The Circuit Court follows the mandated timelines schedule as delineated in the Michigan Court Rules and Administrative Orders to efficiently manage and dispose of its cases. Once a new case has been opened, the Court issues a Scheduling Order providing time guidelines for the processing of the case and establishing dates when future actions should begin or be completed with regard to the case. The primary goal of the Court Administrator's staff is to ensure that cases are kept current and the docket remains up to-date.

CIVIL CASELOAD

Circuit Court cases are separated into the following categories: Appellate, Civil, Domestic Relations, Adult Personal Protection, Proceedings Under the Juvenile Code, Proceedings Under the Adoption Code, Miscellaneous Family/Ancillary. The Appellate category includes Criminal Appeals, Civil Appeals, Agency Appeals (Administrative Agency, Employment Security Commission, Secretary of State, and Parole Board decisions), and Other Appeals (habeas corpus, superintending control and writs). The Civil category includes General Civil (business claims, condemnation, employment discrimination, environments, forfeiture claims, housing & real estate, contracts, labor relations, antitrust/franchising/trade regulations, corporate receivership and general civil), Auto Negligence (property damage, no-fault insurance and personal injury), Other Civil Damage (medical malpractice, other professional malpractice, other personal injury, products liability, dramship act and other damage suits), and Other Civil (proceedings to restore/establish/correct records, claim & delivery, receivers in supplemental proceedings, supplemental proceedings and miscellaneous proceedings). The Domestic Relations category includes Divorce with Minor Children, Divorce Without Children, Paternity, UIFSA (assist with discovery and establishment), Support, and Other Domestic (custody and other domestic relations matters). The Adult Personal Protection category includes Domestic Relations and Non-Domestic Relations. The Juvenile Code category include Designated Juvenile Offenses, Delinquency Proceedings, Traffic and Local Ordinance, Child Protective Proceedings and Juvenile Personal Protection Actions. The Adoption Code category includes Petitions for Adoptions (adult, agency international, direct placement, relative, safe delivery of newborn, non-relative guardian, step-parent and other). The Miscellaneous Family/Ancillary category includes emancipation of a minor, infectious disease, safe delivery of newborn child, name change, young adult voluntary foster care, violation proceedings on out-of-county personal protection orders, adult conservatorship, minor conservatorship, developmental disability guardianship, adult guardianship, limited guardianship of adult, minor guardianship, limited guardianship of minor, protective orders, judicial admission and mental commitment.

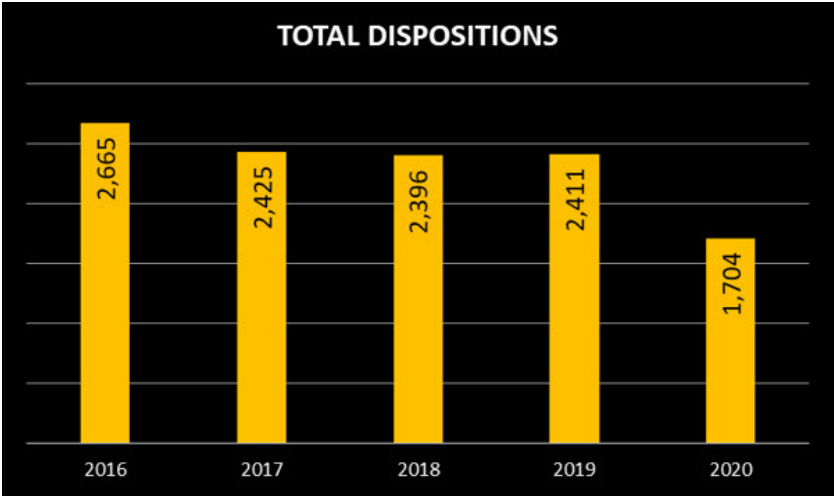
CIVIL: NEW FILINGS, TOTAL CASELOAD, & DISPOSITIONS

In 2020, the number of **newly filed** civil cases in the Thirteenth Circuit Court was 1,511. This is a decrease from the number of new civil cases filed in the previous year.

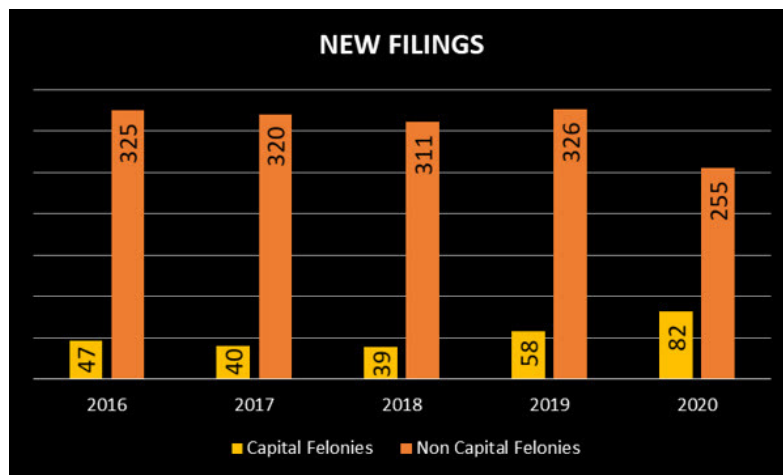


The Thirteenth Circuit Court's **total caseload** consists of cases that were still pending when the year began, cases that were re-opened and all newly filed cases. In 2020, the Thirteenth Circuit Court's total civil caseload decreased.

In 2020, the court **disposed** of 1,704 civil cases. The primary method of disposition in civil cases was settlement by the parties. Other methods include, but are not limited to: jury or bench trials, dismissal by the parties or the Court, entry of an order by the Court, denial either ex parte or after a hearing, withdrawal by a petitioner, transfer, deferral, or case type change.

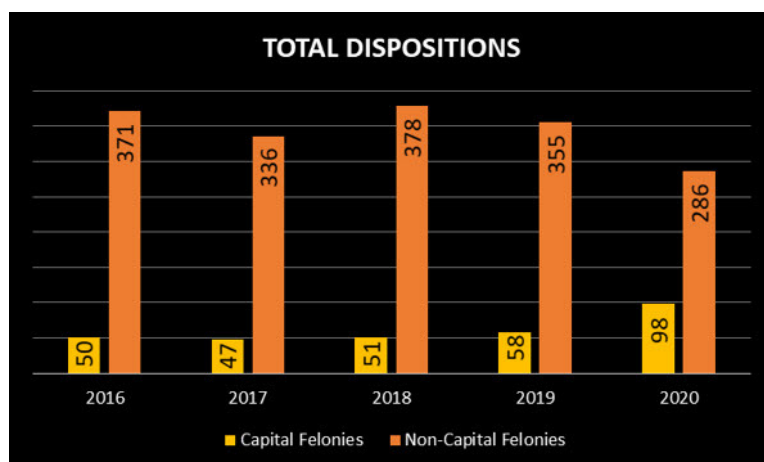
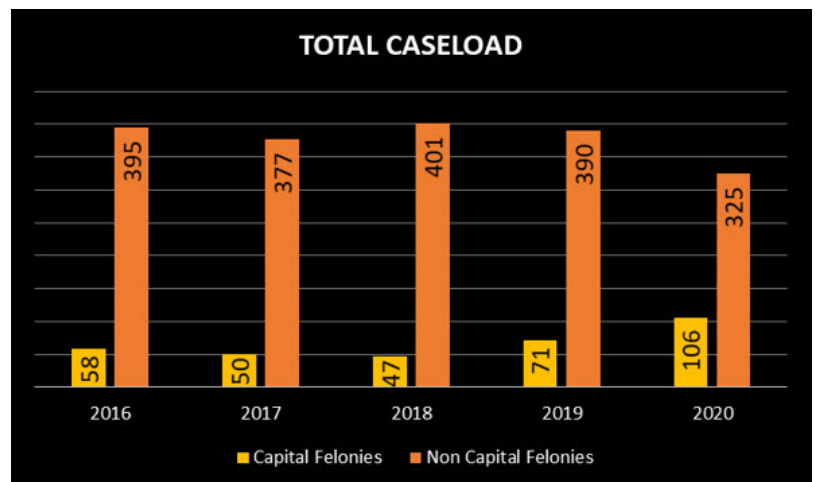


CRIMINAL: NEW FILINGS, CASELOAD, & DISPOSITIONS



In 2020, the number of **newly filed** felony cases, in which the max sentence is life in prison, increased in the Thirteenth Circuit Court, while the number of non-capital felony cases decreased.

The Circuit Court's **total caseload** consists of cases that were still pending when the year began, cases that were re-opened, and all newly filed cases. In 2020, the Thirteenth Circuit Court's total criminal caseload for capital felonies increased, while the total criminal caseload for non-capital felonies decreased.



In 2020, the Court **disposed** of 384 criminal cases. Guilty pleas resulted in the greatest number of dispositions, with the Court receiving 29 guilty pleas in Antrim County, 231 in Grand Traverse County and 7 in Leelanau County.

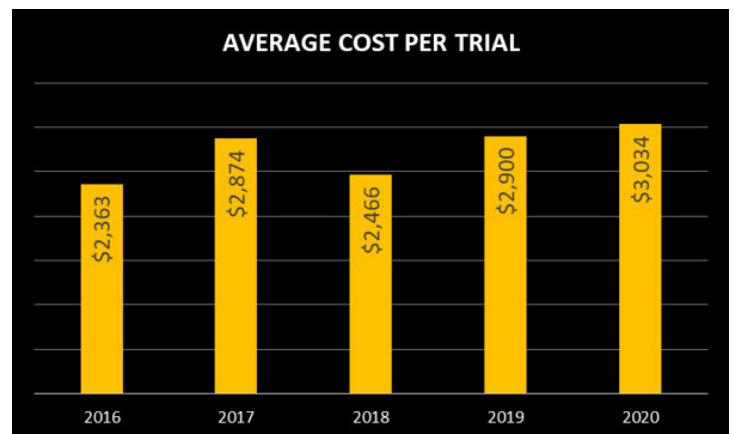
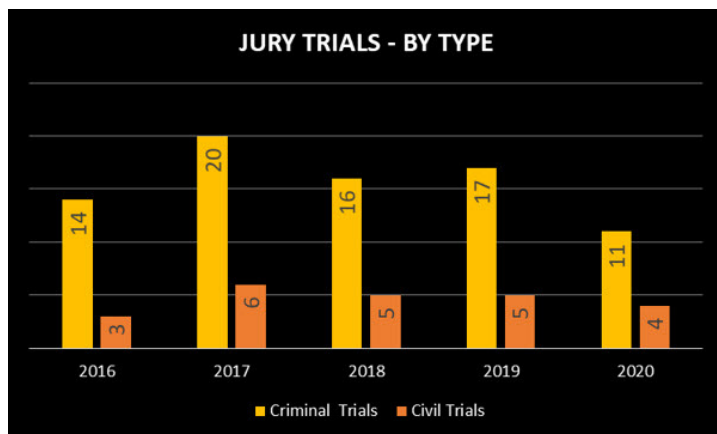
JURY TRIALS

In 2020, the Thirteenth Circuit Court conducted a total of 15 jury trials. Nine of these trials were held prior to March 11, 2020 when the World Health Organization declared COVID-10 a global pandemic. The remaining six jury trials were conducted between June 23, 2020 and October 1, 2020.

In order to limit public health risk and establish parameters for conducting in-person jury trials during a pandemic, the Court issued local Administrative Order 2020-09. These parameters incorporated safety protocols such as health screenings all participants, remote participation of attorneys and witnesses when possible, social distancing, contract tracing and enhanced sanitization and disinfection of facilities. Furthermore, jury selection was conducted at off-site locations, including Central high School, Old Town Playhouse, and the Park Place Hotel & Conference Center., that could accommodate the necessary social distancing guidelines.

Three additional jury trial panels were summoned, however, in one case the defendant failed to appear, in another the Court granted a stay to allow the prosecution to file an interlocutory appeal and the remaining case was remanded the morning of the scheduled trial. The data for these cases is not included in the accompanying charts.

The 13th Circuit Court was the first Court in Michigan and may have been the first court nationwide to conduct a socially-distanced jury trial after the start of the COVID-19 pandemic.



A huge thank you to our community partners for jury trial selection venues:

thank you

Shanty Creek Resort - Ballaure, MI

Leelanau Sands Showroom - Suttons Bay, MI

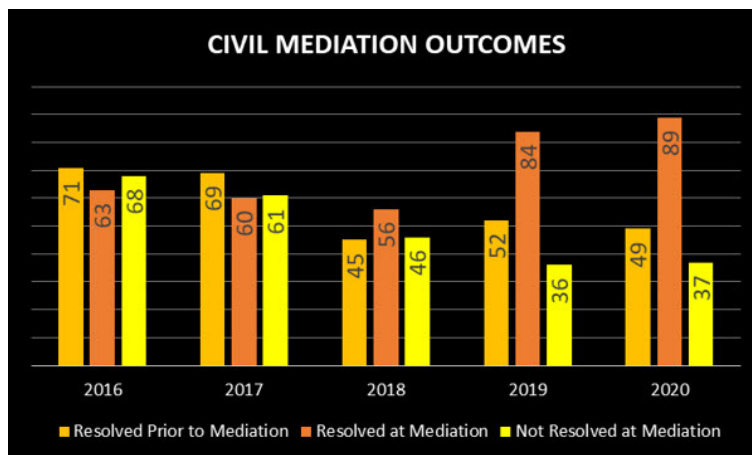
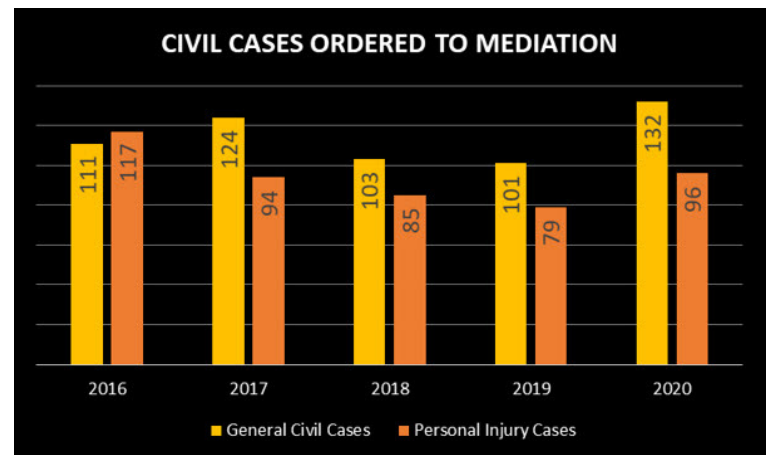
Central High School - Traverse City, MI

Old Town Playhouse - Traverse City, MI

Park Place Hotel & Conference Center - Traverse City, MI

ALTERNATIVE DISPUTE RESOLUTION: CIVIL & DOMESTIC

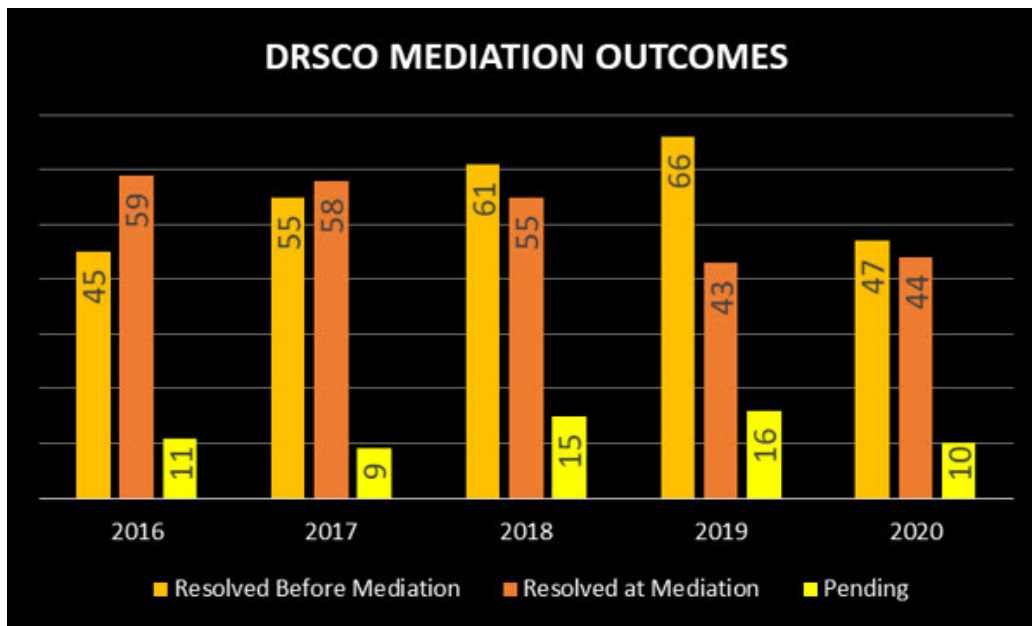
Alternative Dispute Resolution (ADR), a process designed to resolve a legal dispute in the place of court adjudication, includes facilitative mediation, domestic relations mediation, and settlement conferences. ADR may also include case evaluation, a nonbinding process in which a panel of experienced attorneys assess the relative strengths and weaknesses of the parties' legal positions and assign a value to the case. All civil cases are subject to the ADR process unless otherwise provided by statute or court rule. ADR helps reduce costs to taxpayers due to a reduction in the overall need for jurors, compensation for lay and expert witnesses and the need for additional judges and/or courtrooms.



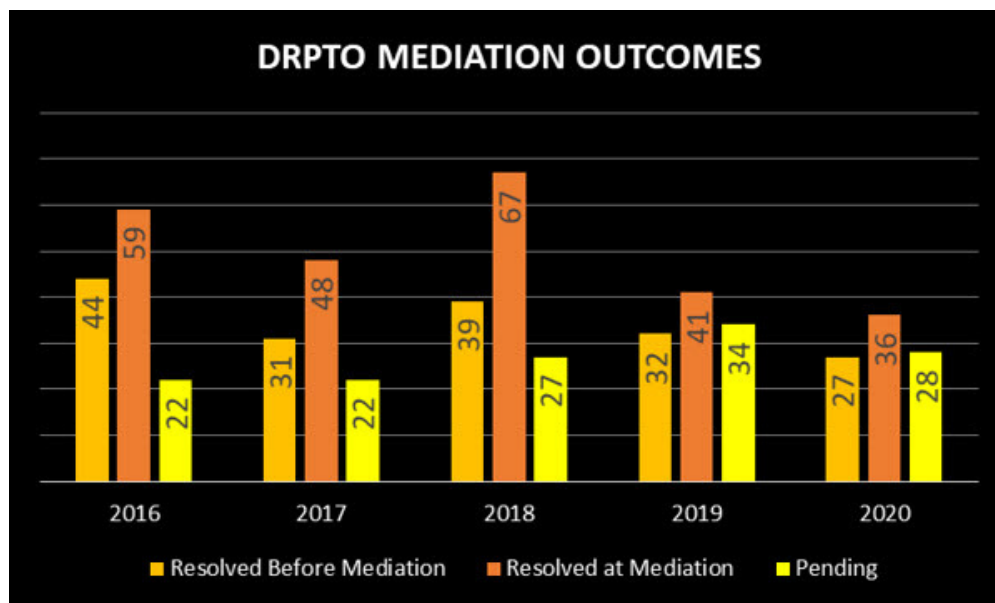
Facilitative mediation is an alternative dispute resolution process in which a neutral third-party facilitates confidential communications between the parties in an attempt to help them reach a mutually agreeable resolution. In mediation, solutions are generated by the parties; whereas, in litigation, the resolution of a conflict is imposed upon the parties by the Court. In 2020, 228 total cases were ordered into mediation, with 179 cases actually mediated.

In 2020, 61% of civil cases were resolved by the end of the ADR process.

ALTERNATIVE DISPUTE RESOLUTION: CIVIL & DOMESTIC

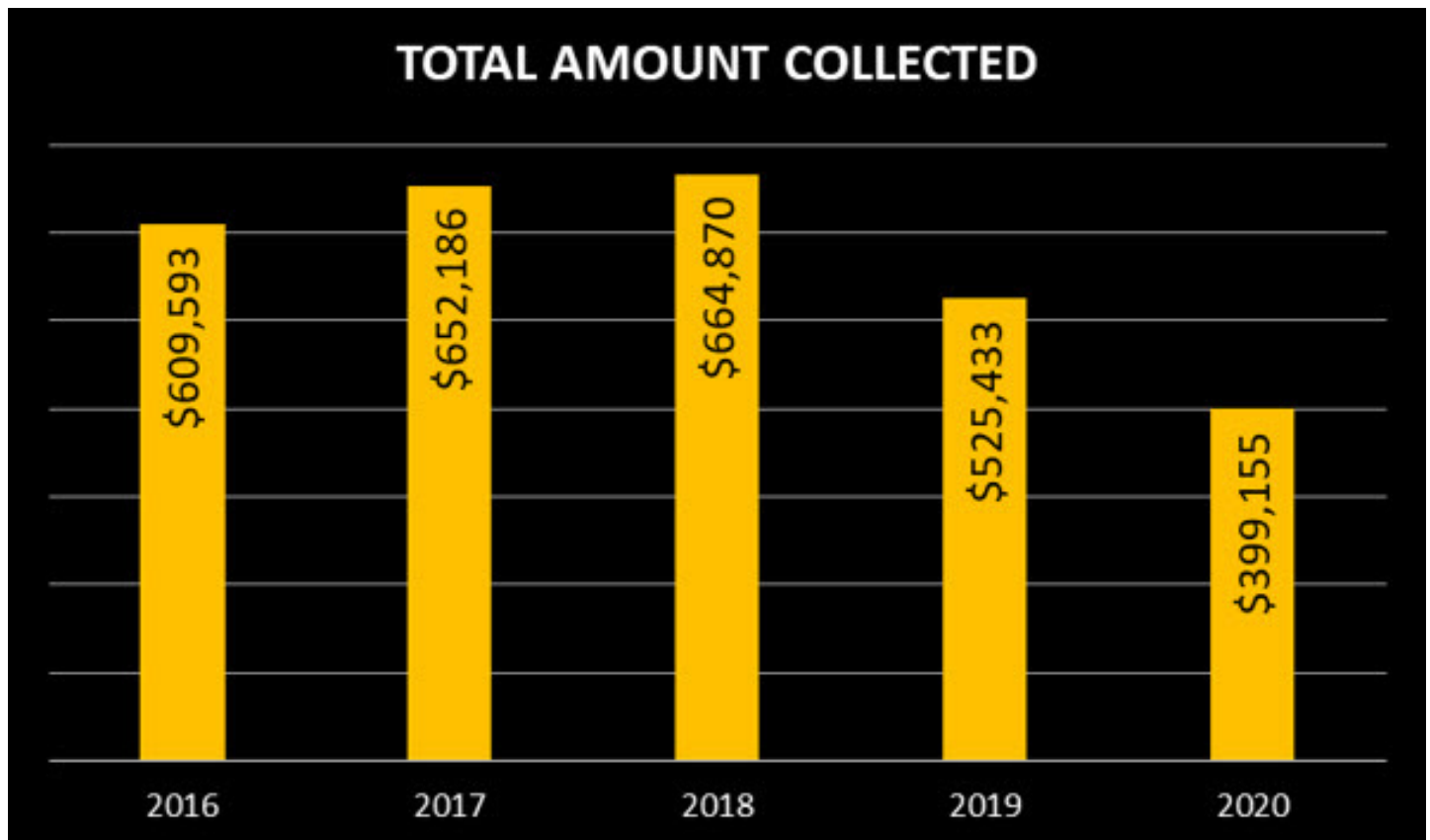


In 2020, 296 cases were ordered to facilitative mediation via a Domestic Relations Scheduling Conference Order (DRSCO) or a Domestic Relations Pre-Trial Order (DRPTO). DRSCOs are generated by the Court when a divorce matter is filed, whereas DRPTOs can be generated either before or after a Judgment of Divorce has been entered when there are child related issues such as, paternity, support, custody and UIFSA registration.



CIRCUIT COURT FINANCES

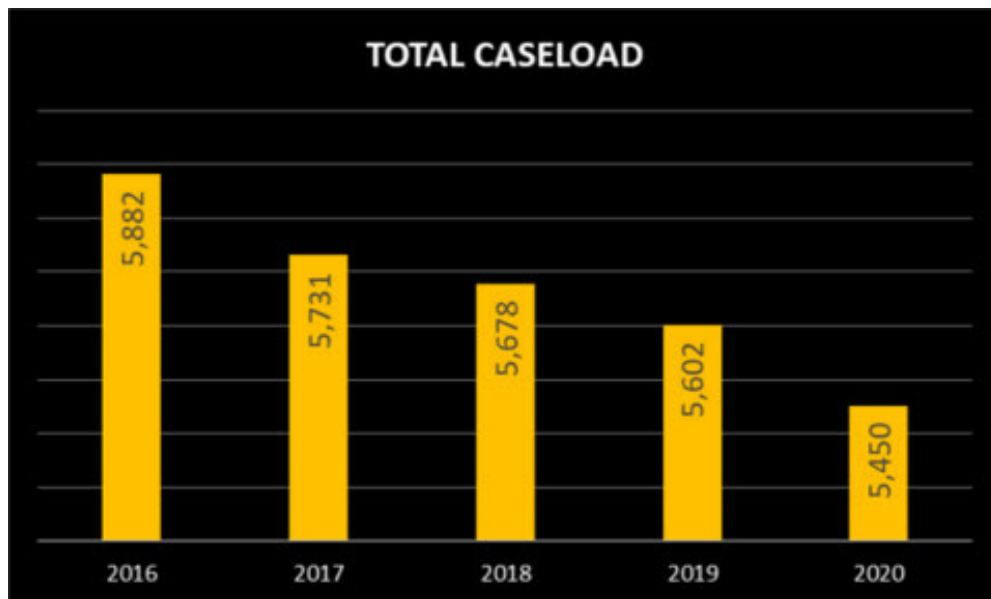
The Court collects fines, costs, court-appointed attorneys' fees, restitution, and crime victim fund payments from convicted felons. The funds collected are used to help support the public libraries, assist in defraying the costs of providing court-appointed counsel for indigent defendants and serve as reimbursement to crime victims for losses they may have suffered.



In 2020, the 13th Circuit Court, not withstanding the pandemic, collected **\$399,155** in criminal restitution for distribution to local victims of crime.

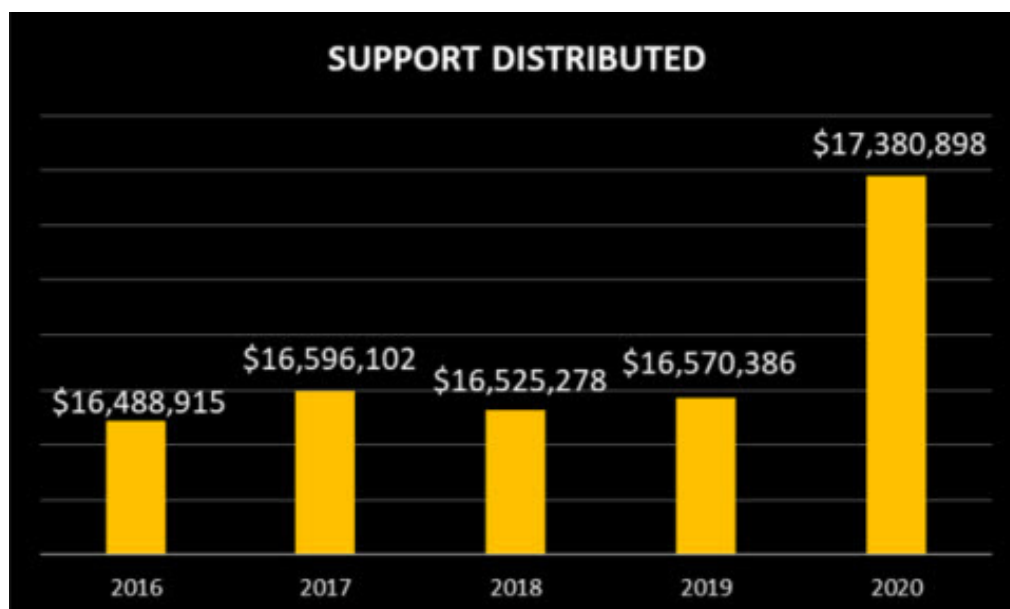
FRIEND OF THE COURT

The Friend of the Court (FOC) assists the Circuit Court by providing enforcement of Court Orders relating to child support, health care, spousal support, parenting time/custody and investigating, evaluating and submitting recommendations to the Court on contested domestic relations matters.



In 2020, the FOC conducted a total of 570 investigations and reviews, including: 24 parenting-time investigations, 344 child support reviews, 179 other support investigations and 23 miscellaneous/other reviews. The FOC also registered 80 orders pursuant to the Uniform Interstate Family Support Act, sent 421 National Medical Support notices, issued 148 bench warrants, and generated 157 custody and parenting time notices.

The FOC's total revenue is composed of support judgment fees, custody and parenting time judgment fees, license reinstatement fees, service fees, incentive payments, returns for IV-D services, and program and non-program income. The total amount of support distributed includes child support, spousal support, extraordinary medical expenses and birthing costs.



FAMILY DIVISIONS

Antrim

In 2020, 105 new domestic relations cases were filed with the Antrim County Family Division. The total domestic relations caseload consisted of 154 cases, with the Court disposing of 93 cases. The total juvenile caseload consisted of 32 cases. There were 27 new juvenile filings: 20 delinquency cases, 6 child protective cases and 1 personal protection actions. Further, in 2020, there were 8 children associated with new child protective filings. The Court served as the temporary legal guardian for 10 children. The Court also finalized 10 adoptions, processed 61 adult personal protection actions, and disposed of 9 miscellaneous Family actions.

Grand Traverse

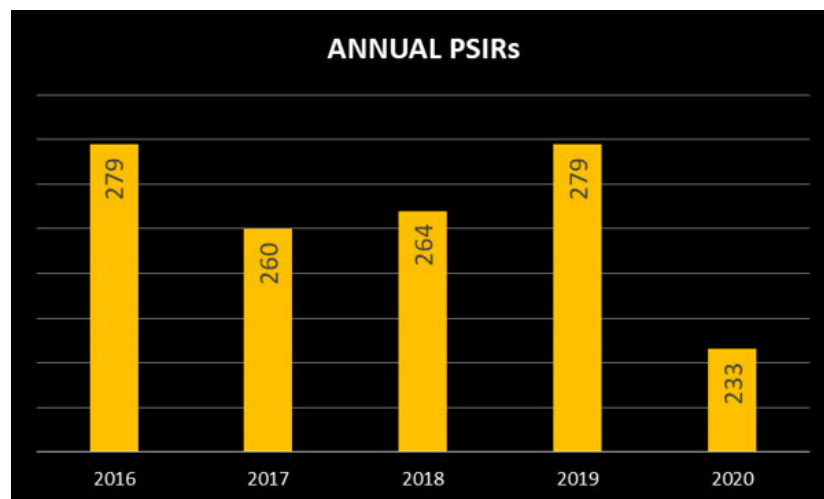
In 2020, 439 new domestic relations cases were filed with the Grand Traverse County Family Division. The total domestic relations caseload consisted of 777 cases, with the Court disposing of 591 cases. The total juvenile code caseload consisted of 196 cases. There were 157 new juvenile filings: 124 delinquency cases, 9 traffic cases, 23 child protective cases and 1 personal protective actions. The Court supervised 42 juveniles. Further, in 2020 there were 42 children associated with new child protective filings. The Court served as temporary legal guardian for 47 children. The Court also finalized 22 adoptions, processed 170 adult personal protection actions and disposed of 39 miscellaneous Family actions.

Leelanau

In 2020, 69 new domestic relations cases were filed with the Leelanau County Family Division. The total domestic relations caseload consisted of 99 cases, with the Court disposing of 66 cases. The total juvenile caseload consisted of 26 cases. There were 24 new juvenile filings: 23 delinquency cases and 1 child protective cases. The Court supervised 9 juveniles. Further, in 2020 there were three children associated with new child protective filings. The Court finalized 2 adoptions, processed 19 adult personal protection actions, and disposed of 4 miscellaneous Family actions.

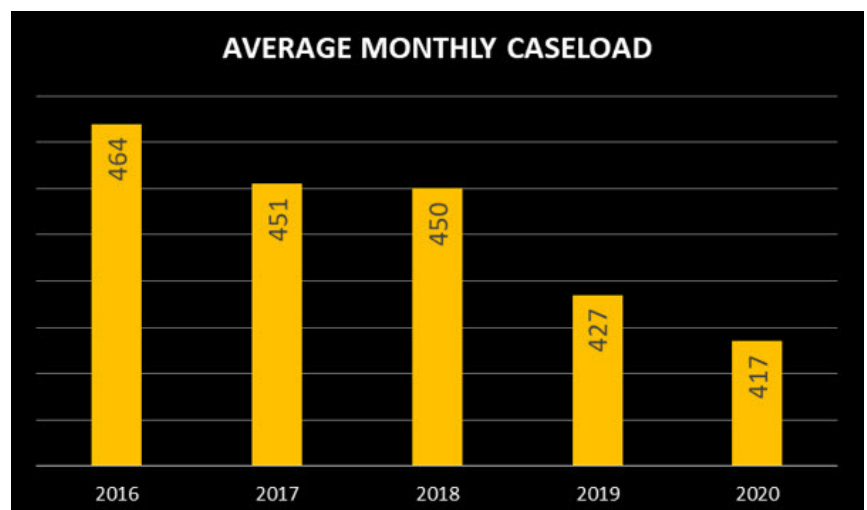
MICHIGAN DEPARTMENT OF CORRECTIONS

As employees of the Michigan Department of Corrections (MDOC) assigned to local courts, staff supervise convicted offenders that fall within the Thirteenth Circuit Court's jurisdiction. The probation/parole staff maintain close working relations with court personnel, law enforcement, Community Corrections and many other area partners to assure public safety and ensure offenders are well supervised. In 2020, the MDOC was partially staffed with nine agents and three secretaries covering the tri-county court area. The MDOC averaged a caseload of 417 cases per month between the three counties in 2020, specifically 73 cases in Antrim County, 312 in Grand Traverse County and 32 in Leelanau County. In addition to supervising MDOC clients, each probation/parole agent must complete a Pre-Sentence Investigation Report (PSIR) for every Circuit Court conviction as well as supplement reports for follow up and re-sentencings. The PSIR includes the scoring from the Michigan Sentencing Guidelines and a detailed summary of the individual's history, which is then used by the Circuit Court judges as a tool to assist in determining the appropriate sentence for the crime committed and the specific offender. In 2020, 233 new PSIRs were created for the Thirteenth Circuit Court, including 10 for Antrim County, 182 for Grand Traverse County, and 32 for Leelanau County.



112 defendants were discharged from supervision in 2020

MDOC averaged a caseload of 417 per month in 2020



HIGHLIGHTS OF THE 13TH CIRCUIT COURT

Welcome!

Steven W. Paciorka, Circuit Court Administrator's Office

AS CIRCUIT COURT REFEREE

Rye Youatt, GTC Family Division

AS DOMESTIC RELATIONS SPECIALIST

Andrew McHugh, MDOC

AS PROBATION/PAROLE AGENT

Service Anniversaries

5 YEARS

Trina Girardin, Circuit Court Administrator's Office

Ariana Spafford, Circuit Court Administrator's Office

Karen Grant, Friend of the Court

10 YEARS

Sally Rath, Friend of the Court

Matthew Ferguson, Grand Traverse Family Division

Tamantha Willoughby, Friend of the Court

15 YEARS

Kelly Sarns, Grand Traverse Family Division

Jessica Jaynes, Circuit Court Administrator's Office

20 YEARS

Theresa Ankney, Antrim Probation

Cheryl Goodwin, Grand Traverse Family Division

Carol Rose, Friend of the Court

Alisa Gallo, Friend of the Court

25 YEARS

William Hefferan, Antrim Family Division

Retirements

Sandra Davids, Antrim Family Division

19 YEARS

Kris Randall, Grand Traverse Family Division

5 YEARS